

Before the
Federal Communications Commission
Washington, D.C. 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Reallocation of Television Channels) ET Docket No. 97-157
60-69, the 746-806 MHZ Band)

To: The Commission

REPLY COMMENTS OF MARANATHA BROADCASTING COMPANY, INC.

Maranatha Broadcasting Company, Inc. ("MBC"), licensee of independent UHF television station WFMZ-TV, Channel 69, Allentown, Pennsylvania, through counsel, hereby responds to some of the comments concerning the FCC's contemplated reallocation of Channels 60-69 from television broadcasting to other services, including fixed and mobile -- and as to Channels 63, 64, 68 and 69, in particular, to public safety mobile radio.

In its own comments, MBC articulated a single concern, that it should not be precluded, during the lengthy transition from NTSC to digital broadcasting, from improving the currently authorized facilities of WFMZ-TV, as proposed in MBC's pending modification application (BMPCT-960515KE) and, potentially, in subsequent applications. As MBC noted, the transition to DTV will, in fact, require MBC to make the investment in improved NTSC facilities, so that it will be better able to absorb the losses incurred in constructing a new DTV station and providing a DTV programming service to a very small initial audience. *MBC Comments*, p. 3. And, as MBC also pointed out, as long as WFMZ-TV continues to occupy Channel 69, that channel will be of little value for public safety operations in the Philadelphia metropolitan area, even if WFMZ-TV were to continue only with its currently authorized facilities. *MBC Comments*, pp. 2-3.

The former point is emphasized in the comments of the Association of Local Television Stations:

The emergence of digital broadcast television . . . will be a time of special vulnerability for local television stations. The enormous capital investments required of stations must be risked against uncertainty. No assurance exists that stations will be able to generate more than their existing revenues when operating both analog and digital channels during the transition. No assurance exists that the public will respond favorably to digital television In such an environment, local television stations hardly should be looking over their shoulders constantly at threats to the integrity and utility of their spectrum.

Comments of ALTV, pp. 1-2.

None of the comments filed by more than 60 other parties in this proceeding suggests a compelling reason why the FCC should deny MBC this opportunity to increase its facilities and enhance its ability to bear the financial costs of transitioning to DTV broadcasting. A number of public safety organizations, for example, expressed concern that the transition to DTV will not be completed, as contemplated by the FCC, by the year 2006. *E.g.*, *Comments of the State of California*, p. 5; *Comments of National Public Safety Telecommunications Council*, p. 13. The completion of the transition from NTSC to DTV will be determined by national trends -- the rate of conversion of major market network-affiliated stations, the development of DTV programming, the access of cable subscribers to DTV broadcasts and, most important of all, the penetration of DTV receivers in the consumer market -- and will be totally unaffected by whether a few high-UHF band stations in a handful of markets are able to increase the power of their NTSC facilities.

While improvement of WFMZ-TV's facilities will not significantly affect the usefulness of Channel 69 for public safety operations in the Philadelphia metropolitan area -- because WFMZ-TV's

present operations largely preclude such use -- the same improvement also will have little if any adverse implications for the usefulness of Channel 68 for public safety. As noted in the comments of the Land Mobile Communications Council, "experience has shown" over a period of 30 years that it is possible for even full power (5 million Watt) UHF stations to share spectrum with adjacent channel land mobile operations based on band and geographic separation. *Comments of LMCC*, p. 7 and n. 11.¹ MBC is itself unaware of any interference between WFMZ-TV and land mobile operations in the adjoining band, 806-812 MHZ.²

Even if the improvement of WFMZ-TV's current facilities was to have some slight additional preclusive effects on potential new public safety operations on Channel 69, it by no means follows that there would be, therefore, a shortage of spectrum for public safety users in the Philadelphia area. For one thing, MBC's experience coordinating previous improvements with adjacent channel land mobile operations, and preparing the current WFMZ-TV application, shows that there is no congestion, and plenty of channels are available, in the band from 806-824 MHZ already allocated to mobile radio. Second, as demonstrated in the comments of the Community Broadcasters Association, the proposed 24 MHZ allocation for public safety is "an enormous amount of spectrum," representing 960 channels exclusively for public safety in each 6 MHZ channel. *Comments of CBA*, p. 2. "It is inconceivable," CBA correctly observes, "that all this spectrum will be needed everywhere

¹ Although they address a different subject, the comments of Aeronautical Radio, Inc., note that "television transmitters typically suppress out of band emissions substantially more than required by the FCC." *ARINC Comments*, p. 3.

² In the Philadelphia metropolitan area, it is possible that the suitability of Channel 68 for public safety use may be limited by another consideration, namely, the current authorization for WHSE(TV) on Channel 68 at Newark, New Jersey.

in the country; and even in the very largest markets where the need may be the greatest, it will take time for the new spectrum to be deployed." *CBA Comments*, p. 3.

The FCC has promised "full" protection of current Channel 60-69 television licensees in the transition to DTV. *Sixth Report and Order* in MM Docket No. 87-268, released April 21, 1997, ¶ 80. These stations are, as described by the Association for Maximum Service Television, Inc., and the National Association of Broadcasters, "by and large among the most fragile enterprises in the television business Any decision to crimp the expansion of these NTSC stations to reach a population comparable to that served by their competitors will reduce the chance that such stations can successfully transition to digital, since that transition will be funded by proceeds from their analog service." *MSTV/NAB Comments*, pp. 9-10. Accordingly, the FCC must hold that "full" protection means that Channel 60-69 stations must have the ability to improve their facilities (subject to an obligation not to cause interference to adjacent channel mobile operations) throughout the transition to DTV.

Respectfully submitted,

MARANATHA BROADCASTING
COMPANY, INC.

By 

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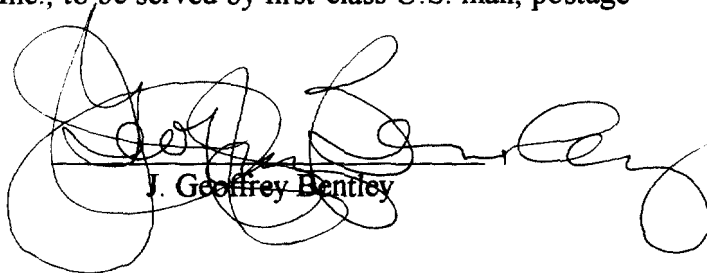
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CERTIFICATE OF SERVICE

I hereby certify that, this 14th day of October 1997, I caused a copy of the foregoing Reply Comments of Maranatha Broadcasting Company, Inc., to be served by first-class U.S. mail, postage prepaid, on the following:



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